REMARKS/ARGUMENTS

In response to the Office Action dated May 28, 2004, claims 1, 4, 5, 7-10, 18, 19, 22 and 25 are amended. Claims 1, 4-11, 14, 15 and 17-25 are now active in this application. No new matter has been added.

ALLOWABLE CLAIMS

The Examiner indicates that claims 11, 14 and 15 are allowable, and that claims 4, 5, 7, 19, 20 and 22 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

By this response, claims 4, 7, 19 and 22 are amended to be in independent form including all the limitations of the base claim and any intervening claims, claims 8-10 are amended to depend from amended claim 4, and claims 18 and 25 are amended to depend on amended claim 19. In addition, claim is amended to correct a minor misspelling of "write". Consequently, claims 4, 5, 7-10, 18-20 and 22-25 are believed to be allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Morris (USPN 5,390,184).

The rejection is believed to be moot as to amended claim 18, as it now depends from amended claim 19 that is believed to be allowable. The rejection of independent claim 17 is respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. ***Helifix Ltd. v. Blok-Lok, Ltd.***, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); ***Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.,*** 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

There is a significant difference between the claimed invention and the arrangement disclosed by Morris that scotches the factual determination that Morris identically describes the claimed inventions within.

Independent claim 17 recites, *inter alia*:

> a first memory for storing ***a plurality of programmable system settings***;
> ...
> (2) a scheduler for selectively assigning memory access slots to each of the ports for access to the second memory, the selectively assigning memory access slots to each of the ports ***being based on a selected one of the plurality of programmable system settings stored in the first memory***; and
> ***a system controller for supplying the selected one of the plurality of programmable system settings to the network switch***.

Thus, independent claim 17 requires that a first memory store a plurality of programmable system settings and that a system controller supply the selected one of the

plurality of programmable system settings to the switch. The plurality of programmable system settings corresponds to the different plurality of configurations 1-4... shown in Fig. 5 of the present drawings, one of which is to be stored in the assignment table memory 100. Page 12, lines 1-3 describe of the present application that the host CPU 32 selectively writes the programmed information entries to the assignment table 100.

While Morris describes that connection processor 118 programs a reservation table 120 to indicate which time slot is reserved to which VCI/VPI of the input channel, there is no disclosure or suggestion that there are a plurality of different information that can be programmed into reservation table 120 and that one of the plurality of different information can be selected by connection processor 18.

The above argued difference between the claimed device vis-à-vis the device of Morris undermines the factual determination that Morris identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. ***Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.,*** 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); ***Kloster Speedsteel AB v. Crucible Inc.,*** 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claim 17 under 35 U.S.C. § 102 for lack of novelty as evidenced by Morris is not factually or legally viable and, hence, solicit withdrawal thereof.

To expedite prosecution, claim 1 is amended to be consistent with what is already recited in claim 17. Thus, amended claim 1 recites, *inter alia*:

selectively assigning memory access slots by the scheduler is based on a selected one of a plurality of programmable information entries,

the external memory interface includes an assignment table memory for storing the respective programmable information entries, and

the selected one of a plurality of programmable information entries is stored in the assignment table memory by an external controller.

As noted above, Morris does not disclose or suggest that there are a plurality of programmable information entries that can be programmed into reservation table 120 and that one of the plurality of programmable information entries can be selected by connection processor 18. Thus, amended claim 1 is patentable over Morris.

II. Claims 6, 8-10, 21 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morris in view of Daniel et al. (USPN 5,841,772).

The rejection is believed to be moot as to claims 8-10 and 23-25, as they now depend from amended claims that are believed to be allowable. The rejection of dependent claims 6 and 21 is respectfully traversed.

As independent claims 1 and 17 are patentable over Morris, as noted above claim 6 depending from claim 1, and claim 21 depending from claim 17 are patentable over Morris also, even when considered in view of Daniel et al.

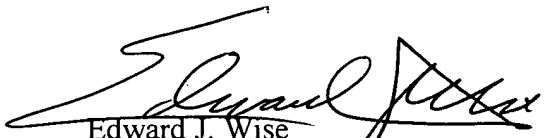
CONCLUSION

Accordingly, it is urged that the application, as now amended, overcomes the rejection of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application, as amended, are respectfully requested. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY



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